

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,

Plaintiff,

v.

C. RELEVANTE, et al.,

Defendants.

Case No. 1:22-cv-01365-CDB (PC)

**ORDER DIRECTING THE CLERK OF
THE COURT TO CLOSE CASE**

Plaintiff has filed a request for voluntary dismissal without prejudice. (Doc. 5.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a “plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Once a dismissal under Rule 41(a)(1) is properly filed, no order of the court is necessary to effectuate dismissal; the dismissal is effective automatically. *Com. Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999). Plaintiff’s notice satisfies the requirements of Rule 41(a)(1)(A)(i). Accordingly, the Court DIRECTS the Clerk of the Court to terminate all pending motions and to close this case.

IT IS SO ORDERED.

Dated: November 3, 2022


UNITED STATES MAGISTRATE JUDGE